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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/593,669

09/20/2006

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EXAMINER

NGO, CHUONG A

ART UNIT

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2617

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/593,669	<b>Applicant(s)</b> HEIKKINEN ET AL.	
	<b>Examiner</b> CHUONG A. NGO	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. This action is in response to the communication mailed on April 21, 2009, applicant has submitted an Amendment, Filed on May 4, 2009.
2. Claims 1-24 are pending in this action. Claims 1-24 have been amended.
3. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 22-24 rejected under 35 U.S.C. 101 because the invention is direct to non-statutory subject matter of "signal recorded on a tangible medium".

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 22-24 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one

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skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The amended claims 22-24 recite the limitation "signal recorded on a tangible medium". However, the aforementioned limitation was not described in the specification. As a result, the specification fails to convey to one skilled in the art at the time the application was filed, that the inventor(s) had possession of the claimed invention.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 22-24 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Because of "signal recorded on a tangible medium" was not defined in the specification.

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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11. Claims 1-2, 4-9, 11-17, 19-22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Public 20020111176 (hereinafter Roeder) in view of US Patent 6,480,593 (hereinafter Munday).

Regarding claim 1, 8, 13, 17, 22, Roeder discloses “A method to manage communication addressed to a first communication device” **(see abstract and paragraphs[0029], [0030], Fig. 1 and telephone 110A)** , “which first communication device is equipped with at least a first identifier” **(see paragraph [0030], Roeder discusses identifier as telephone number and/or extension number)** and “in which communication addressed to at least said first communication device defined by the first identifier is routed at least partly to at least a second communication device defined by a second identifier” **(see paragraph [0030], Roeder discusses as a call forwarding feature (CF) 112 in telephone subsystem 106 may be used to forward calls for the associated telephone 110 to mobile station 108)**, “wherein in the method the control feature of the divert facility of the communication device is remotely controlled using the second communication device or another communication device” **(see paragraph [0042], [0060]-[0062] Roeder discusses as remote call forwarding feature).**

Roeder discloses call forwarding feature but Roeder does not explicitly disclose “a control feature of a divert facility”. However, attention is directed to Munday, which teaches “a control feature of a divert facility” **(see col. 3, line 32-64 and col. 8, lines1-39).**

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was make to modify the Roeder invention, and have a control feature of a divert facility, as taught by Munday, thereby, providing the control function to control call divert or data transfer in communication network, as discussed by Munday, **(see col. 1, line 9-56)**.

Regarding claims 2, 9 and 14 have the limitations similar to those treated in the above rejection, and are met by the references as discussed in claim 1.

Regarding claims 4, 11, 24, Roeder discloses "wherein a data message includes identifier data (IMSI2, IMSI3), on the basis of which the divert facility is activated/deactivated to one or more communication devices defined by the identifier data (IMSI2, IMSI3)" **(see paragraphs [0036]-[0042])**.

Regarding claims 5, 16, Roeder discloses "wherein that the identifier data (IMSI2) is identified from the sender data of a data message, to which the communication are routed in a set manner" **(see paragraph [0039])**.

Regarding claims 6, 7, 12, 15, 19, 20 and 21 have the limitations similar to those treated in the above rejection, and are met by the references as discussed in claim 1.

12. Claims 3, 10, 18, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Public 20020111176 (hereinafter Roeder) in view of US Patent 6,480,593 (hereinafter Munday) and further in view of US Patent 5,742,668 (hereinafter Pepe).

Regarding claims 3, 10, 18, 23, Roeder and Munday discloses all the subject matters of the claimed invention concept except “authentication”.

However, attention is directed to Pepe, which teaches “authentication” (see col. 6, line 11-28, Pepe discusses the profiles contain service related information for mapping services to subscribers (e.g., screening, routing, terminal selection by subscriber selected parameters, custom calling features, and the like); subscriber authentication data (e.g., password and user I.D.)).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was make to modify the Roeder and Munday inventions, and have authentication, as taught by Pepe, thereby, providing communication services is to allow users to communicate from anywhere to anywhere at any time, as discussed by Pepe, (see col. 1, lines 42-65).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHUONG A. NGO whose telephone number is 571-270-7264. The examiner can normally be reached on Monday through Thursday 6:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/NICK CORSARO/

Supervisory Patent Examiner, Art Unit 2617